

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AMERICAN TELEPHONE NETWORK, INC.)	
)	
_____)	CASE NO. 92-306
)	
ALLEGED VIOLATION OF KRS 278.020)	
AND KRS 278.160)	

O R D E R

On August 5, 1992, American Telephone Network, Inc. ("American Telephone Network") filed a proposed Settlement Agreement, a copy of which is attached hereto and incorporated herein as Appendix A. The settlement expresses Staff and American Telephone Network's agreement on a mutually satisfactory resolution of all issues in this case.

In determining whether the results of the Settlement Agreement are in the public interest and are reasonable, the Commission has taken into consideration the steps taken by American Telephone Network to remediate and cure its outstanding violations. After consideration of the proposed Settlement Agreement and being otherwise sufficiently advised, the Commission finds that the proposed Settlement Agreement is in accordance with the law and does not violate any regulatory principle. This Settlement Agreement is in the public interest and results in a reasonable solution of this case.


IT IS THEREFORE ORDERED that:

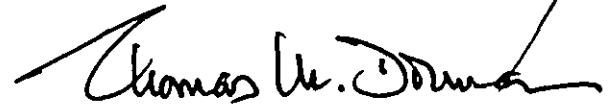
1. The Settlement Agreement is hereby adopted and approved in its entirety as a reasonable resolution to the issues in this case. American Telephone Network shall adhere to and comply with all provisions of the Settlement Agreement the same as if individually ordered herein.

2. American Telephone Network shall pay the agreed penalty of \$100 within 10 days of the date of this Order by certified check or money order made payable to Treasurer, Commonwealth of Kentucky. Said check or money order shall be mailed or delivered to the Office of General Counsel, Public Service Commission, 730 Schenkel Lane, Frankfort, Kentucky 40601.

Done at Frankfort, Kentucky, this 26th day of August, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

APPLICATION OF AMERICAN TELEPHONE
NETWORK, INC. FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE AS A RESELLER OF TELE-
COMMUNICATIONS SERVICES WITHIN THE
STATE OF KENTUCKY

PUBLIC
SERVICE
COMMISSION

CASE NO. 92-306

RECEIVED

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SETTLEMENT AGREEMENT

GENERAL COUNSEL

WHEREAS, on July 24, 1992, the Public Service Commission (the "Commission") issued an Order requiring American Telephone Network, Inc. ("ATN") to appear before the Commission on August 11, 1992 to show cause why it should not be penalized for providing service prior to receiving a certificate of convenience and necessity in violation of KRS 278.020 and 278.160.

WHEREAS, on or about August 4, 1992, ATN orally requested that the Commission cancel the hearing and provide ATN the opportunity to propose a settlement of the issues.

WHEREAS, ATN and Commission staff (the "Commission Staff") have reached an agreement on the resolution of the issues.

NOW, THEREFORE, be it resolved that:

1. By signing this Settlement Agreement, ATN admits no willful violation of KRS 278.020 and KRS 278.160. ATN agrees that this Agreement represents the most judicious method by which to resolve this case and agrees to take the steps outlined herein.

2. ATN shall pay a penalty in the amount of \$100.00. A certified check for the full amount of the penalty shall be made payable to the Kentucky State Treasurer and delivered to the Office of General Counsel, Public Service Commission, 730 Schenkel Lane, Frankfort, Kentucky 40601 within ten (10) working days of the Commission's Order approving this Settlement Agreement (the "Order").

3. Upon issuance of an order by the Commission accepting this Settlement Agreement, to the extent that American Telephone Network has not completed the refunding or crediting of all customers for all intrastate charges billed and collected prior to the Commission's authorization of American Telephone Network to provide intrastate telecommunications service, American Telephone Network shall commence making refund payments or credits to all customers for all charges billed by American Telephone Network for intrastate telecommunications service from May, 1991 until such time as American Telephone Network is authorized to provide intrastate services. Within six (6) months of Commission acceptance of this Settlement Agreement, American Telephone Network shall have completed the crediting and refunding.

4. Within thirty (30) days from the date American Telephone Network refunds or credits its customers, American Telephone Network shall provide a list to the Commission of the names, addresses, amounts paid, and method of payment for customers entitled to and receiving a refund or credit. Thereafter, American

Telephone Network shall provide monthly reports to the Commission in performing its obligations under this Settlement Agreement.

5. This Settlement Agreement is submitted for purposes of this case only and is not deemed binding upon the parties hereto in any other proceeding, nor is it to be offered or relied upon in any other proceeding involving any other utility.

6. If the Commission issues the Order adopting this Settlement Agreement in its entirety, ATN agrees that it shall not file an application for rehearing with the Commission nor an appeal to the Franklin Circuit court from the Order.

7. If the Settlement Agreement is not adopted in its entirety, ATN reserves the right to withdraw from the Agreement and require that hearings go forward upon all or any matters involved herein, and, that, in such event, the terms of the Agreement shall not be deemed binding upon the signatories hereto, nor shall such agreement be admitted into evidence, referred to or relied on in any matter by any signatory hereto.

8. All the parties hereto agree that the foregoing Settlement Agreement is reasonable and in the best interest of all concerned, and urge the Commission adopt this Agreement in its entirety.

AGREED TO BY:

James G. Campbell
Hon. James G. Campbell on behalf
of American Telephone Network, Inc.

August 4, 1992
Date

Lori H. Flannery
Hon. Lori C. Flannery on
behalf of Commission Staff

August 10, 1992
Date